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AT 8:30 \_\_\_\_\_ M  
UNITED STATES DISTRICT COURT WILLIAM T. WALSH, CLERK  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 11- 385 (RBK)  
:   
v. : 18 U.S.C. § 1341,  
: 18 U.S.C. § 1028A(a)(1),  
RALPH COZZINO : 18 U.S.C. § 2  
:   
: I N D I C T M E N T  
:

The Grand Jury in and for the District of New Jersey,  
sitting in Newark, charges:

COUNTS ONE THROUGH FOUR  
(MAIL FRAUD)

INTRODUCTION

1. At various times relevant to this Indictment:

- a. Defendant RALPH COZZINO was a resident of North Bergen, Hudson County, New Jersey.
- b. R.S., now deceased, was an elderly woman residing in North Bergen, Hudson County, New Jersey, and was the owner and/or the beneficiary of stock in several companies, including but not limited to, Boeing, Ford Motor Company ("Ford"), and Lockheed Martin (collectively, the "R.S. Stock").
- c. From in or around April 2006 until in or around June 2006, R.S. was hospitalized for cancer treatment.
- d. Defendant RALPH COZZINO was familiar with R.S., through his mother. Prior to her death, his mother had been a

friend of R.S. and had lived in the same apartment building as R.S.

e. Computershare Limited ("Computershare") is a financial services company that provides, among other things, stock management and stock transfer services to investors. Computershare was the stock transfer agent for the R.S. Stock.

**THE SCHEME TO DEFRAUD**

2. From in or around April 2006 until in or around October 2007, in Hudson County, in the District of New Jersey, and elsewhere, defendant

RALPH COZZINO

did knowingly devise and intend to devise a scheme and artifice to defraud R.S., and to obtain money and property belonging to R.S. by means of materially false and fraudulent pretenses, representations, and promises, and attempted to do so, as described in substance below.

**THE OBJECT OF THE SCHEME TO DEFRAUD**

3. The primary object of the scheme and artifice was for defendant RALPH COZZINO to steal stock certificates belonging to R.S., transfer ownership of the stock to his name using a fraudulent power of attorney, liquidate the stock, and then convert the proceeds to his own use.

**THE MANNER AND MEANS OF THE SCHEME TO DEFRAUD**

4. Among the manner and means used by defendant RALPH COZZINO to carry out his scheme to defraud were those set forth in paragraphs 5 through 16 below:

5. It was a part of this scheme and artifice to defraud that defendant RALPH COZZINO stole stock certificates from R.S.'s apartment, while R.S. was in the hospital for several months receiving cancer treatment.

6. It was a further part of this scheme and artifice to defraud that defendant RALPH COZZINO obtained a fraudulent Durable Power of Attorney ("POA") falsely purporting to grant him control over R.S.'s financial affairs, including but not limited to, the power to sell and/or redeem R.S.'s stock.

7. It was a further part of this scheme and artifice to defraud that defendant RALPH COZZINO's fraudulent POA contained several material misrepresentations, including but not limited to, a forged signature of R.S., and misrepresentations that the notary public and the purported witnesses had observed R.S. sign the POA. In fact, R.S. did not sign the POA, and neither the notary public nor the purported witnesses observed R.S. sign the POA.

8. It was a further part of this scheme and artifice to defraud that defendant RALPH COZZINO's fraudulent POA includes - on its face - R.S.'s name, address, and social security number,

in order to make the fraudulent POA appear legitimate.

9. It was a further part of this scheme and artifice to defraud that defendant RALPH COZZINO mailed the fraudulent POA and stolen stock certificates to Computershare, and instructed Computershare to transfer ownership of R.S.'s Boeing and Lockheed Martin stock to his name.

10. It was a further part of this scheme and artifice to defraud that the fraudulent POA submitted by defendant RALPH COZZINO caused Computershare to transfer ownership of R.S.'s Boeing and Lockheed Martin stock into defendant COZZINO's name, without R.S.'s knowledge and consent.

11. It was a further part of this scheme and artifice to defraud that defendant RALPH COZZINO attempted, unsuccessfully, to cause Computershare to transfer ownership of R.S.'s Ford stock into defendant COZZINO's name, without R.S.'s knowledge and consent.

12. It was a further part of this scheme and artifice to defraud that, in or around May 2006, defendant RALPH COZZINO opened up a bank account at Commerce Bank (account number ending in -9660) for the purpose of depositing the proceeds of liquidated stock certificates owned by R.S.

13. It was a further part of this scheme and artifice to defraud that, in or around June 2006, defendant RALPH COZZINO liquidated approximately 2,024 shares of R.S.'s Boeing stock,

receiving - through the mails - a check in the amount of approximately \$161,314.34. Defendant COZZINO then deposited the fraudulently obtained check into an account that he controlled at Commerce Bank (account number ending in -9660).

14. It was a further part of this scheme and artifice to defraud that on or about August 2, 2006, defendant RALPH COZZINO liquidated approximately 1,012 shares of R.S.'s Boeing stock, receiving a check in the amount of approximately \$79,793.89. Defendant COZZINO then deposited the fraudulently obtained check into an account that he controlled at Commerce Bank (account number ending in -9660).

15. It was a further part of this scheme and artifice to defraud that, in or around July 2007, defendant RALPH COZZINO liquidated approximately 400 shares of R.S.'s Lockheed Martin stock for approximately \$37,912.68, receiving a check in the amount of approximately \$27,239.13, after the withholding of federal tax. Defendant COZZINO then deposited the fraudulently obtained check into an account that he controlled at Commerce Bank (account number ending in -2839).

16. It was a further part of this scheme and artifice to defraud that, from in or around September 2006 through in or around August 2007, defendant RALPH COZZINO opened up additional accounts at Commerce Bank, transferred approximately \$140,403.75 between and among the accounts that he controlled at Commerce

Bank and then transferred approximately \$125,000 into a bank account at Commerce Bank controlled by his wife, K.C., all for the purpose of funding their own personal expenditures.

17. By the above means, defendant RALPH COZZINO defrauded R.S. out of approximately \$279,000, and used more than \$137,000 of the proceeds to pay for personal expenditures, including but not limited to, a 2006 Nissan, Lasik eye surgery, as well as a down payment, closing costs, and furniture for a new house.

**THE MAILINGS**

18. On or about the dates set forth below, in Hudson County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, defendant

RALPH COZZINO

did knowingly place and cause to be placed into a post office and authorized depository for mail, and caused to be delivered in accordance with directions thereon, certain mail matter as more fully described below, to be sent and delivered by the United States Postal Service.

Count	Date of Mailing	Sender	Addressee	Summary Description
1	6/9/06	Computershare	RALPH COZZINO	Mailing, at defendant COZZINO's request, of a check for \$161,314.34 – the proceeds of his liquidation of 2,024 shares of R.S.'s Boeing stock.
2	7/10/06	RALPH COZZINO	Computershare	Mailing by defendant COZZINO seeking replacement of 1,012 shares of R.S.'s purportedly lost Boeing stock, and instructing Computershare to mail the replacement shares to his address.
3	5/30/07	RALPH COZZINO	Computershare	Mailing by defendant COZZINO of forged letter purportedly from R.S., instructing Computershare to liquidate 1,324 shares of R.S.'s Lockheed Martin stock, and to mail 30% of the proceeds directly to him.
4	6/8/07	RALPH COZZINO	Computershare	Mailing by defendant COZZINO of forged letter purportedly from R.S., instructing Computershare to liquidate 1,324 shares of R.S.'s Lockheed Martin stock, and to mail a check for the cash value of 400 shares of the stock directly to him.

All in violation of Title 18, United States Code, Section

1341 and Section 2.

**COUNT FIVE**  
(AGGRAVATED IDENTITY THEFT)

1. Paragraphs 1 and 3 through 16 of Counts One through Four of this Indictment are realleged and incorporated herein.

2. From at least in or around June 2006 through in or around June 2007, in Hudson County, in the District of New Jersey, and elsewhere, defendant

RALPH COZZINO

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, R.S.'s name, forged signature, home address, and social security number, during and in relation to a felony violation of a provision contained in chapter 63, United States Code, to wit, mail fraud, in violation of Title 18, United States Code, Section 1341, charged in Counts One through Four of this Indictment.

In violation of Title 18, United States Code, Section 1028A(a)(1) and Section 2.

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts 1 through 4 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1341, set forth in Counts 1 through 4 of this Indictment, the defendant, RALPH COZZINO, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all right, title, and interest in any property, real or personal, that constitutes or is derived from proceeds traceable to the offenses of conviction. The property to be forfeited includes, but is not limited to, the following:

a. A sum of money equal to approximately \$114,499 in United States currency, representing the amount of proceeds obtained as a result of the offenses of conviction;


b. 2006 silver Nissan Murano, VIN: JN8AZ08W46W509070;  
and

c. \$97,179 traceable to 24 Sandra Lane, Bloomingdale, New Jersey 07403.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to forfeiture of any other property of the defendant, RALPH COZZINO, up to the value of the property described in the preceding paragraph.

  
\_\_\_\_\_  
PAUL J. FISHMAN  
United States Attorney

ATRUE BILL

~~FOR PERSON~~

CASE NUMBER: 11-

**United States District Court  
District of New Jersey**

**UNITED STATES OF AMERICA**

**v.**

**RALPH COZZINO**

**INDICTMENT FOR**

18 U.S.C. § 1341,  
18 U.S.C. § 1028A(a)(1),  
18 U.S.C. § 2

**A True Bill,**

**Foreperson**

**PAUL J. FISHMAN  
UNITED STATES ATTORNEY  
NEWARK, NEW JERSEY**

**SHIRLEY U. EMEHELU  
ASSISTANT U.S. ATTORNEY  
973-353-6024**

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